IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.52588-M of 2006
Date of Decision:- 15.03.2007

Dinesh ....Petitioner(s)

through
Ms.Sadhna Trikha, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The petitioner, who is a life convict under Section 302 IPC, has been denied parole for agricultural operations on the ground that the land measuring 2 acres can be cultivated by his elder as well as younger uncles, namely, Tau and Chacha.

As per the Jamabandi for the year 1999-2000 (Annexure P-3), the father of the petitioner, namely, Kartar Singh was owner in cultivating possession of the joint holding along with his brothers. Admittedly, the petitioner's father has expired. Even according to the respondents, the land owned by the petitioner's father has since been inherited by the legal heirs of the deceased.

If that is so, the case of the petitioner would fall within the ambit of Section 3(1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 thereby making him eligible to seek parole

for agricultural operations.

Needless to say that the petitioner's elder and younger uncles have their own agricultural land to cultivate.

For the reasons afore-stated, this petition is allowed to the extent that the impugned order dated 22.8.2006 is set aside and the Director General of Prisons, Haryana is directed to get the facts re-verified and thereafter to pass appropriate orders in accordance with law. The needful shall be done within a period of three months from the date of receipt of certified copy of this order.

Disposed of.

March 15, 2007 **(SURYA KANT)**
poonam **JUDGE**